IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 12272 of 2004

Between:

Chandravamsam Kailasa Santho, S/o. Gajendra Santho, Hindu,
R/o. Sivannapet, Kurupam Mandal, Vizianagaram District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh Social Welfare (CV.2)

Department, Rep. by its Principal Secretary, Hyderabad.
2 The District Collector, Vizianagaram District, Vizianagaram.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in his letter No. 4303/CV.2/2004-1, dated 1-6-2004 in summarily rejecting the Revision preferred by the Petitioner under Section 8, R/w. Rule 12 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997, on the ground of limitation without giving a reasonable opportunity to the petitioner without following the procedure for making an application for condonation of delay if any in the interest of justice is highly arbitrary, unjust and opposed to the principles of natural justice and opposed to the cannons of law and consequently direct the 1st respondent to entertain the Revision by giving reasonable opportunity to the petitioner in the interest of justice.

Counsel for the Petitioner : MRP.RAJASEKHAR

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

O R D E R:

The petitioner claims that he belongs to Scheduled Tribe. He obtained a social status certificate as 'Konda Dora', which is included in the list of Scheduled Tribes, from the concerned Mandal Revenue Officer prior to enactment of the Andhra Pradesh (Scheduled Caste, Scheduled Tribe & Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993) (for short "the Act"). The petitioner made an application to the Competent Authority under the Act for issuance of a fresh social status certificate as per Section 3 of the said Act. The said authority rejected the said application on 23.11.2002 in RC.No.3068/2002. Aggrieved by the said order the petitioner filed a statutory appeal before the second respondent and it was dismissed by the second respondent, dated 08.10.2003. Being aggrieved by the said order of the second respondent, the petitioner filed a statutory revision as contemplated under Section 8 of the Act before the first respondent on 25.05.2004. The first respondent rejected the revision petition on 01.06.2004 on the following ground:

> *"I am directed to inform you that your Appeal Petition filed before Govt. against the orders of the District Collector, Vizianagaram Dist., dated 22-8-2003, have been examined and observed that the appeal petition is time barred, as per Rules issued in G.O.Ms.No.58, SW(J2) Department, dated 12-5-1997. Hence, the same is hereby rejected."*

2. The petitioner being aggrieved by the dismissal of the revision petition on the point of limitation filed this writ petition seeking a writ of mandamus to declare that the order of the first respondent dated 01.06.2004 in summarily rejecting the revision petition as illegal, arbitrary and against the principles of natural justice.

3. The petitioner concedes that there was delay in preferring the revision petition. He

did not file any application for condonation of delay in preferring the revision petition by explaining the circumstances under which the revision petition could not be preferred within the time. Therefore, the first respondent dismissed the revision petition as barred by limitation.

4 . The learned Counsel for the petitioner represents that the petitioner out of ignorance did not file any application to condone the delay in preferring the revision petition and that if the revision petition is not decided on merits, it causes any amount of injustice to him and he will not be in a position to get the benefit of social status which he was enjoying since generations. The first respondent ought to have considered the merits of the case also while passing the impugned order, instead, he summarily rejected the same on the ground that the revision petition is barred by time.

5 . In the light of the above circumstances, the order of the first respondent dated 01.06.2004 is set aside. The first respondent is directed to restore the revision petition to its original file. The petitioner is at liberty to make an application for condonation of delay in preferring revision petition and on filing of such application, the first respondent shall pass appropriate orders on the said application and proceed further in accordance with law.

6. The writ petition is, accordingly, disposed of.

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11-08-2004.

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To

1. Principal Secretary, Government of Andhra Pradesh Social

Welfare (CV.2) Department, Hyderabad.
2 The District Collector, Vizianagaram District, Vizianagaram.

3. 2CCs to GP for Social Welfare, High Court Buildings, Hyderabad (OUT)

4. 2CD copies